

REMARKS/ARGUMENTS

The Office Action requires restriction of the present invention (claims 1-54) to one of the 17 groups specified in the Office Action. Applicants provisionally elect Group V, claims 14-17, 19-25, 28-29, and 32-34 with traverse.

However, with the entry of the present response, claims 1-54 have been canceled without prejudice and new claims, 55-78, have been entered. The subject matter of the invention defined in claims 56-78 are essentially the same as that defined in the as-filed claims. Applicants submit that the new claims have been entered to better claim the subject matter which Applicants regard as the invention and for improved clarity. Therefore, no new matter has been added with this submission.

With the entry of the present response, Applicants respectfully request that the claims 55-78 be examined together. Claims 55-78 define isolated nucleic acid molecules encoding defensin polypeptides, the polypeptides encoded by such nucleic acid molecules, plants comprising such molecules, and methods for protecting plants by expressing such molecules.

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Claim 55 defines that a mature domain of the defensin molecule has an amino acid sequence as set forth in SEQ ID NO:8. Claims 56-62 and 67-69 are dependent claims of either claim 55 or thereafter further defining added features of the defensin molecule such as a C-terminal tail, a signal sequence, or a specific nucleotide sequence as given in the Sequence Listing. Claim 70 defines a genetically modified plant expressing the nucleic acid molecule of claim 55, and claims 72 and 73 depend therefrom. Claim 76 defines a method for generating a plant with increased pest resistance to a plant pest by expressing the nucleic acid sequences of claims 55-58, and claims 77-78 are dependent claims of claim 76 reciting further limitations.

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Therefore, claims 55-62, 67-70, 72-73, and 76-78 are linked by a common technical feature, i.e., isolated nucleic acid molecule encoding the defensin molecule having certain activity against a plant pest. Claims 63-69 define the polypeptides encoded by the nucleic acid molecules of claims 55-58. Claim 71 defines a genetically modified plant expressing the polypeptide of claim 66. Claim 74 defines a method of inducing resistance of a plant to a plant pest by expressing the protein of claim 66. Claim 75 is a dependent claim of claim 74 further specifying the location of the defensin protein expression. Therefore, claims 63-69, 71, and 74-75 are technically linked by the protein having certain activity against a plant pest. Furthermore, the protein linking these claims is encoded by the nucleic acid molecule defined by the claims of 55-62.

In summary, it is submitted that claims 55-78 are technically linked in that the proteins claimed are encoded by the nucleic acids defined therein, and the plants and the methods claimed share a common feature, the nucleic acid or the protein having the protective activity against a plant pest. Based on this, Applicants respectfully request that claims 55-78 be examined simultaneously, or at a minimum, claims 55-62, 67-70, 72-73, and 76-78 be examined together.

If there are any outstanding issues related to patentability, the courtesy of a telephone call is requested, and the Examiner is invited to call to arrange a mutually convenient time.

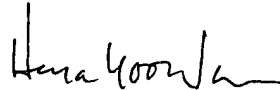
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This Response and Amendment is accompanied by a Petition for Extension of Time (five months) and a check in the amount of \$ 2,010.00 as required under 37 C.F.R. 1.17(a)(5) for a large entity.

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However, if the amount submitted is incorrect, please charge any deficiency or credit any overpayment to Deposit Account No. 07-1969.

Respectfully submitted,



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